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POLICY TITLE: **Optional Electronic Filing of MCCP Documents**

DATE ISSUED: April 6, 2005

EFFECTIVE DATE: April 6, 2005

Introduction

This policy provides the procedures for filing documents electronically with the Medical Claims Conciliation Panel ("MCCP").

Background

In conjunction with the directives from Governor Linda Lingle to make State government more efficient and accessible, particularly from the Neighbor Islands, and in light of current developments in e-commerce, the MCCP has initiated an electronic filing process by which pleadings and documents can be filed electronically with the MCCP.

Historically, there have been two basic concerns regarding the filing of pleadings and documents: 1) the authenticity of the source of the pleadings or documents; and 2) accountability for the content, receipt, and dissemination of documents and pleadings filed.

Consequently, the MCCP e-filing process has addressed these concerns by:

- Requiring the participating parties to accept responsibility for all documents e-mailed from the e-mail addresses that the participants specify, and
- Immediately archiving documents filed with MCCP in their original formats, as well as converting the documents into PDF format that will preserve the documents from alteration, and serve as a common format for the electronic exchange of documents.

Parameters for E-filing Process

The MCCP e-filing process is not intended to replace traditional filing practices. Instead, the MCCP e-filing process is meant to provide a more efficient and convenient option for filing documents with the MCCP. It has been designed primarily for attorneys and parties that have the technological capabilities to participate.

Additionally, all documents filed electronically with the MCCP will be retained by the MCCP in electronic format for filing and archival purposes. Unless otherwise directed by the MCCP, hard copies of electronically filed documents may not be printed by the MCCP.

Computer Requirements

The MCCP e-filing process is based upon the ability of the participants to send and receive e-mail with attachments. Consequently, in order to e-file documents with the MCCP, the participants will need the following computer hardware and software:

1. Access to a computer with internet access
2. A current e-mail account
3. Microsoft Word, Corel Word Perfect, or compatible software
4. Adobe Acrobat or Adobe Reader software (to view PDF files)
5. Adobe Acrobat or compatible program to convert documents into Adobe PDF (please contact the MCCP if you do not have such software)

Participant Requirements

In addition to the computer requirements listed above, the participants must also agree to accept responsibility for the authenticity and content of all documents e-mailed from the e-mail addresses specified by the participants in their respective Ex Parte Motions For Leave To File And Receive Documents Electronically with the MCCP.

Participants must also be responsible for timely monitoring their respective e-mail accounts for documents electronically transmitted to the participants from the MCCP and/or other authorized participants.

The Electronic Filing Process

1. After the parties have received the Notice of Status Conference and Order Regarding Prehearing Statements from the MCCP, a party that wishes to utilize the MCCP Electronic Filing Process, must file an Ex Parte Motion For Leave To File And Receive Documents Electronically with the MCCP. A copy of the Ex Parte Motion is attached hereto.

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2. Once the Ex Parte Motion has been approved, the authorized party may then exchange documents electronically with the MCCP, and any other party that has requested and received approval.
3. The MCCP will serve copies of the Order Granting the Ex Parte Motion on all of the parties to a claim.
4. The Order Granting the Ex Parte Motion for each specific case will continue in effect until terminated by either the MCCP or upon motion.
5. To file documents electronically, each document should be attached to an e-mail transmittal memo sent to the following email address that has been created specifically for e-filing documents with the MCCP:

mccp@dcca.hawaii.gov

6. The e-mail transmittal memo should be substantially similar to the following:

MCCP E-filing Transmittal Memo

To: Rodney A. Maile, OAH-MCCP

From: (Your name)

Re: (Case name and MCCP case number)

Document(s) attached: (Description of document(s) attached, i.e. Claimant's Prehearing Statement, Respondent's Request for More Definite Statement, correspondence, etc.)

7. Participating parties may file documents electronically with the MCCP at any time (24 hours a day, 7 days a week) up to 4:30 p.m. of the final date that documents are required to be filed. Documents e-filed after 4:30 p.m. of the final date will be considered as untimely filed and will be treated as such.
8. Participants must continue to serve hard copies of all documents on other parties that have not been authorized by the MCCP to file and receive documents electronically.
9. When the MCCP receives an e-filed document, the MCCP will:
 - detach the document from the e-mail transmittal memo;
 - convert a copy of the document into PDF format (if the document is not already in PDF format);
 - electronically date and time-stamp the converted PDF document;

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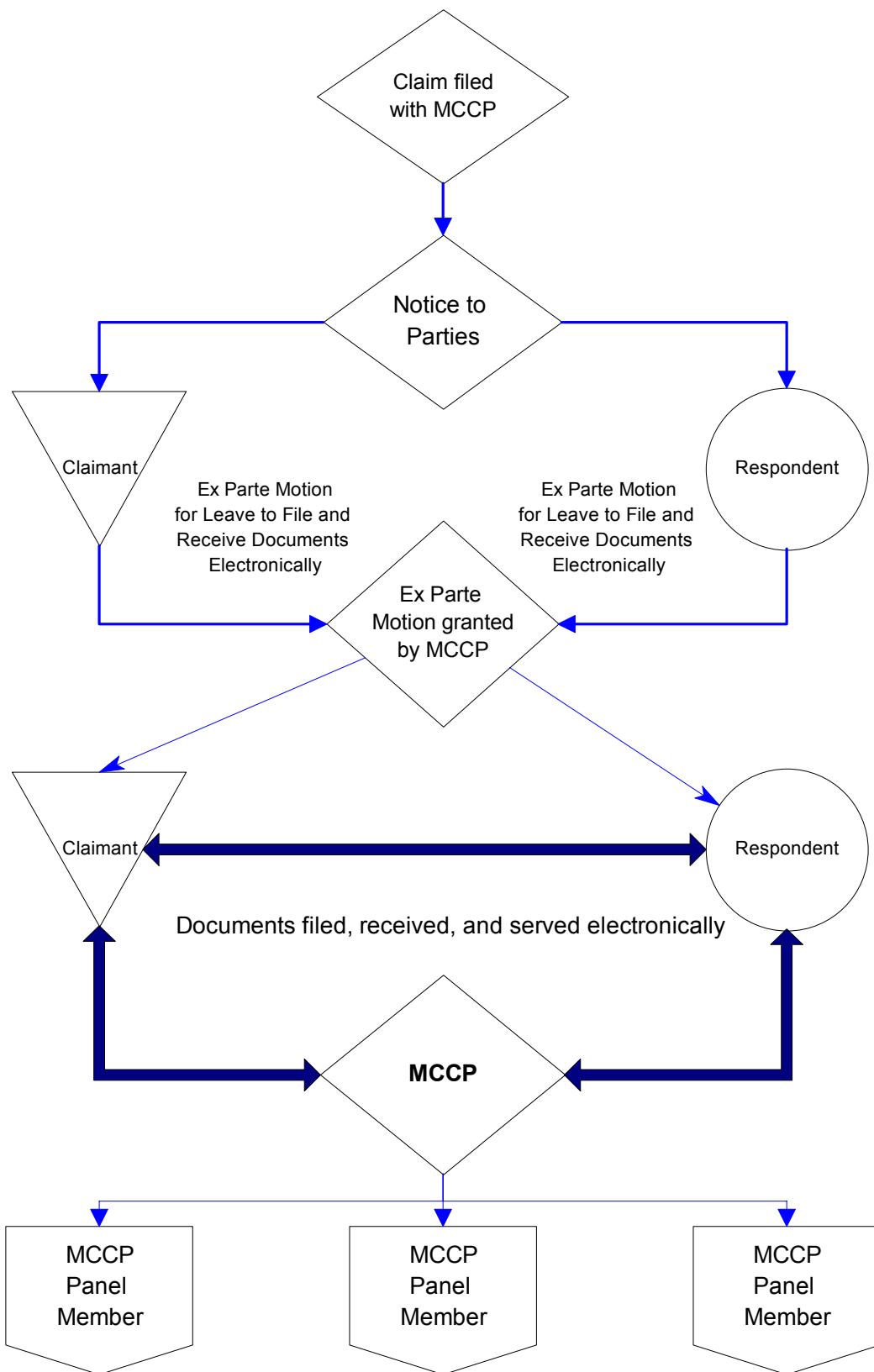
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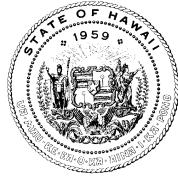
- save the e-mail transmittal memo, the original electronic document, and a copy of the converted PDF document in the MCCP electronic case file for that particular claim;
 - send a confirmation e-mail memo to all participating parties regarding the date and time the e-filed document was received by the MCCP;
 - transmit the electronic document to all Panel members (electronic format or hard copy); and
 - make archival back-up copies of all e-filed documents.
10. A participant's authorization to file and receive documents electronically may be rescinded at any time by the MCCP program if the participant is not capable of fulfilling the participant's responsibilities for electronic filing.

This policy shall be effective as of April 6, 2005, shall be reviewed as needed by the Administrator of the MCCP program, and shall remain in effect until repealed.

MARK E. RECKTENWALD
Director

Overview of MCCP Electronic Filing Process





MEDICAL CLAIMS CONCILIATION PANEL
OFFICE OF ADMINISTRATIVE HEARINGS
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the Claim of

MCCP No. _____

Claimant(s),

EX PARTE MOTION FOR LEAVE
TO FILE AND RECEIVE
DOCUMENTS ELECTRONICALLY

vs.

Respondent(s).

**EX PARTE MOTION FOR LEAVE TO FILE
AND RECEIVE DOCUMENTS ELECTRONICALLY**

The undersigned party/attorney/legal representative hereby respectfully requests leave to file documents electronically with the Medical Claims Conciliation Panel, ("MCCP"), Office of Administrative Hearings, Department of Commerce and Consumer Affairs, State of Hawai'i, and to receive documents electronically from the MCCP.

In support of this request, I make the following declarations:

- I will be filing documents with the MCCP via e-mail from the following e-mail address(es), and I accept responsibility for the authenticity of electronic submissions purporting to be from me, originating from the following email address(es):

1. _____
2. _____

- I authorize the MCCP to transmit documents and correspondence to me via e-mail at the following email address(es):

1. _____
2. _____

I understand and acknowledge that I will continue to serve hard copies of all of my documents and pleadings on all other parties unless otherwise directed by the MCCP.

I acknowledge that this Order shall be effective upon the date of issuance, and shall continue in effect until terminated by the MCCP, or upon written motion filed by me.

I declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, _____.

ORDER

- [] The Ex Parte Motion For Leave To File And Receive Documents Electronically is hereby granted.
[] The Ex Parte Motion For Leave To File And Receive Documents Electronically is hereby denied.

DATED: Honolulu, Hawai'i, _____.

RODNEY A. MAILE
Senior Hearings Officer
Department of Commerce
and Consumer Affairs